IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 734 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

PATEL LAKHAMAN KARSON

Appearance:

1. Criminal Appeal No. 734 of 1991

MR KOGJE, A.P.P. for Petitioner No. 1

MR MAHENDRA K PATEL for Respondent No. 1

NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 21/01/2003

ORAL JUDGEMENT

1. The State has preferred this Appeal against the order of acquittal dated 10.4.1991 passed by the learned J.M.F.C., Kalavad, acquitting the respondent - accused u/ss. 504, 506 (2) I.P.Code and u/ss. 3 & 7 of Civil Right Protection Act.

2. As per the case of the prosecution the incident in question took place on 10.12.1986 at about 9.00 a.m. The accused alleged to have insulted the complainant with his cast by calling him as "Dheda" and also gave threat to kill him. The complainant Natha Manga was examined by the prosecution at Ex.5, but his evidence was not duly corroborated by other independent witnesses. All other witnesses have only said about some altercation took place between the accused and the complainant. In that view of the matter the learned Magistrate refused to rely upon the sole testimony of the complainant Natha Manga and acquitted the respondent-accused for the aforesaid offences for which he was charged.

3. Learned A.P.P. Shri Kogje has taken me through the entire impugned Judgment and order of acquittal passed by the learned Magistrate. When the learned Magistrate gave cogent reasoning for acquitting the accused then this Court would not interfere with such order of acquittal, that too, after a period of more than 13 years of the incident.

4. In view of the above discussion this Appeal fail and is hereby dismissed.

Date : January 21, 2003 (B.J.Shethna, J.)

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